

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicant(s): Yee-Chung Fu
Assignee: Advanced Nano Systems, Inc.
Amended Title: MEMS Scanning Mirror with Trenched Surface and Tapered Comb Teeth for Reducing Inertia and Deformation
Serial No.: 10/779,952 Filing Date: February 13, 2004
Examiner: Allan R. Wilson Group Art Unit: 2815
Docket No.: ANS-P105

San Jose, California
October 3, 2005

Special Processing Submission
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION**

Dear Sir:

The above-identified patent application went unintentionally abandoned on or about September 18, 2005 for failure to properly respond to a Notice of Drawing Inconsistency with Specification dated August 18, 2005. In accordance with 37 C.F.R. § 1.137(b), Applicant respectfully petitions to revive the above-referenced patent application.

The present petition is accompanied by the following:

(1) The Required Reply

Applicant concurrently files with this petition (a) a Petition under 37 C.F.R. § 1.313(c)(2) to Withdraw an Application from Issue, (b) a Request for Continued Examination under 37 C.F.R. § 1.114, and (c) an Amendment in response to the August 18, 2005 Notice of Drawing Inconsistency with Specification.

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Serial No. 10/799,952

(2) The Petition Fee

The Commissioner is hereby authorized to charge our credit card the petition fee of \$750.00, being the amount specified in 37 C.F.R. 1.17(m), as indicated in the accompanying transmittal letter. The Commissioner is also authorized to deduct any other amounts required for this petition and to credit any overpayment to Deposit Account. No. 502226.

(3) Background Information and the Required Statement


The USPTO issued a Notice of Allowance on April 22, 2005 for the present application. Applicant paid the issue fee on July 19, 2005. The USPTO then issued a Notice of Drawing Inconsistency with Specification on August 18, 2005 stating that Fig. 8 was in the drawings but not listed in the Brief Description of the Drawings in the specification. The Notice of Drawing Inconsistency provided a response period of the longer of one month or thirty days from the mailing date of the Notice.

In an attempt to respond to the Notice of Drawing Inconsistency, Applicant filed an Amendment Under Rule 1.312(a) on September 13, 2005 to amend the Brief Description of the Drawings. The USPTO issued a Response to Rule 312 Communication on September 28, 2005 disapproving Applicant's amendment because it was made after the payment of the issue fee. By that time, the response period for the Notice of Drawing Inconsistency had passed and the present application became unintentionally abandoned.

After consulting with both the Examiner and the Office of Petition, Applicant learned that the proper response to the Notice of Drawing Inconsistency would have been to file a petition to withdraw the present application from issue along with a Request for Continued Examination and an amendment to correct the Brief Description of the Drawings. Accordingly, Applicant has filed those papers along with the present petition.

Required Statement: The entire delay in filing the required reply from the due date for the reply to the filing date of a grantable petition was unintentional. This is apparent from Applicant's errant attempt to respond to the Notice of Drawing Inconsistency with Specification so that the allowed application can issue as a patent.

Accordingly, Applicant respectfully requests that this application be revived. Please direct any questions or comments to the undersigned at (408) 382-0480x206.

Certification of Facsimile Transmission	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
	10/3/2005
Signature	Date

Respectfully submitted,



David C. Hsia
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